

Application No. 10/721,140

REMARKS

Claims 1 to 80 are pending in the application. The Examiner has subjected the claims to a restriction requirement and required that Applicant elect one of the following groups of claims for examination:

I. Claims 1 to 20, drawn to a polyarylene ether polymer, classified in class 528, subclass 86.

II. Claims 21 to 40, drawn to a polyarylene ether polymer, classified in class 528, subclass 86.

III. Claims 41 to 68, drawn to a process of making a polyarylene ether polymer, classified in class 528, subclass 86.

IV. Claims 69 to 74, drawn to an imaging member, classified in class 430, subclass 320.

V. Claims 75 to 80, drawn to an imaging member, classified in class 430, subclass 320.

Applicant respectfully traverses the restriction requirement and maintains that the instant claims should be examined together. Applicant is of the position that the Group II, III, IV, and V claims can be examined together with the Group I claims without undue burden, since all of the claims recite similar polymeric compositions. More specifically, the Examiner has stated that the inventions of Group I and Group II are unrelated. Applicant points out, however, that such is not the case, and that these sets of claims cover overlapping subject matter; for example, claim 1 and claim 21 both cover all of the polymers prepared in the working examples. The Examiner has further stated that

Application No. 10/721,140

the inventions of Group I and Group III are related as process of making and product made, and that the product can be made by the method taught in Biller et al. U.S. Patent 6,624,334. This patent, however, teaches a method of making monomeric materials, and not polymeric materials as recited in the instant claims of Groups I and II. Applicants are also of the position that the patent classification system has been developed primarily for convenience, and separate classifications within this system is not indicative of distinctiveness for the purposes of a restriction requirement. Applicants thus maintain that the claims of Groups I through V should be examined together.

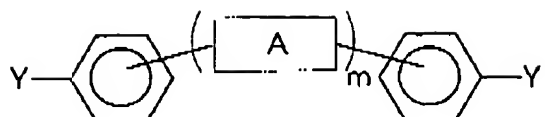
In the event that the Examiner persists in the restriction requirement, Applicant elects with traverse the Group III claims (claims 41 to 68) for prosecution.

The Examiner has also made an election of species requirement and required that Applicant elect either the first or the second compound under (iii) and specific groups for A, B, R', and various other variables within the formulae.

Applicant respectfully traverses this election of species requirement and maintain that the disclosed species in the application can be examined together. In the event that the Examiner maintains this election of species requirement, Applicant elects with traverse the following species for examination:

compounds of the first formula under (iii), i.e.,
compounds of the formula

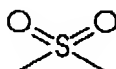
Application No. 10/721,140



compounds wherein A is

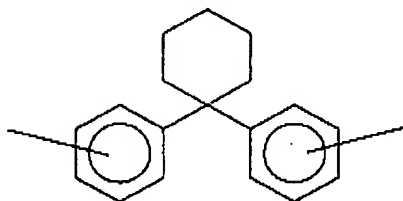


or



(the Examiner having indicated that, if elected, these two species would be examined together);

compounds wherein B is

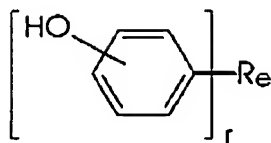


compounds wherein R' is H, alkyl, or aryl (the Examiner having indicated that, if elected, these three species would be examined together);

compounds of the formula $\text{Ar}(\text{OH})_x$ wherein Ar is an alkylaryl group having no hetero atoms therein and having no substituents other than hydroxyl groups thereon;

for compound (II) in claim 54, compounds (b) of the formula

Application No. 10/721,140



for compound (ii) in claim 55, epicatechin.

The Examiner has stated that in claim 54, compounds (a) and (b) will be examined when Ar is a substituted aryl group or a substituted arylalkyl group in claim 41 and that compounds (c) through (g) will be examined when Ar is an unsubstituted aryl group or an unsubstituted arylalkyl group in claim 41. Applicant points out that compounds (a) and (b) also encompass compounds wherein Ar is an unsubstituted aryl or unsubstituted alkylaryl group; for example, the compound recited in claim 53 is encompassed by the formula of (a) and by the formula of (b). Accordingly, Applicant requests that all five of these formulae be examined in view of the elections made.

Application No. 10/721,140

In the event the Examiner considers personal contact advantageous to the disposition of this case, she is hereby authorized to call Applicant(s) attorney, Judith L. Byorick, at Telephone Number (585) 423-4564, Rochester, New York.

Respectfully submitted,



Judith L. Byorick
Attorney for Applicant(s)
Registration No. 32,606
(585) 423-4564

JLB/cw

Xerox Corporation
Xerox Square 20A
Rochester, New York 14644